

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

ARNOLD KUHL,

Plaintiff,

v.

JUDGE HEATHER WOOD,

Defendant.

Civil Action No. 5:25 cv 163

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF, AND DAMAGES

(Jury Trial Demanded)

FILED  
JUL 22 2025  
U.S. DISTRICT COURT - WVND  
WHEELING, WV 26003

## INTRODUCTION

This is a civil action brought pursuant to 42 U.S.C. § 1983 and other applicable federal and state law. Plaintiff, Arnold Kuhl, alleges that Defendant, Judge Heather Wood, acting under color of state law and in her capacity as a Family Court Judge in Ohio County, West Virginia, violated Plaintiff's clearly established constitutional rights under the Fourteenth Amendment, including due process, equal protection, and access to the courts, and failed to accommodate Plaintiff's mental health disability in violation of the Americans with Disabilities Act of 1973 (Section 504). Plaintiff seeks injunctive relief, declaratory judgment, and compensatory damages.

## PARTIES

1. Plaintiff Arnold Kuhl is a resident of Ohio County, West Virginia, and the petitioner in Family Court case 23-D-70 HAW.
2. Defendant Judge Heather Wood is a Family Court Judge for Ohio County, West Virginia, and at all relevant times was acting under color of state law in her official capacity.

## JURISDICTION AND VENUE

3. This Court has jurisdiction over Plaintiff's federal claims pursuant to 28 U.S.C. §§ 1331 and 1343, and 42 U.S.C. § 1983.

4. Venue is proper in this District under 28 U.S.C. § 1391, as all events occurred in Ohio County, West Virginia.

## FACTUAL ALLEGATIONS

5. Plaintiff was a party in divorce proceedings before Judge Heather Wood in case number 23-D-70 HAW.
6. On or about January 3, 2024, Judge Wood issued a Final Order related to the sale and equitable distribution of the marital home.
7. Prior to the issuance of that order, Plaintiff made clear and timely requests to present relevant testimony and evidence concerning the designation, valuation, and distribution of proceeds from the sale of the marital home.
8. Judge Wood denied Plaintiff the opportunity to present such testimony, thereby abridging his due process rights guaranteed by the Fourteenth Amendment to the U.S. Constitution and Article III, § 10 of the West Virginia Constitution.
9. The challenged order allows for the imminent sale and collection of proceeds from the marital home under conditions Plaintiff contends are factually and legally erroneous.
10. If the sale and distribution proceed as outlined in the 1/3/24 Order, Plaintiff will suffer irreparable harm, including the permanent loss of property and equity without a full and fair hearing.
11. Further, Plaintiff alleges that Judge Wood issued an order barring Plaintiff from accessing the Clerk's Office and other court services without a hearing or due process as required by state law and court procedure.
12. This denial of access to the courts and judicial records has significantly impaired Plaintiff's ability to represent himself in his ongoing legal matters and constitutes a violation of Plaintiff's First and Fourteenth Amendment rights.
13. At all relevant times, Defendant was aware of Plaintiff's diagnosed mental health conditions, including [briefly specify if desired: e.g., PTSD, anxiety, etc.], and yet took punitive and provocative action, including public humiliation and unreasonable restrictions, without providing any accommodation as required by the Americans with Disabilities Act (Section 504, Rehabilitation Act of 1973).
14. Defendant's and her staff's actions have caused severe mental and emotional distress to Plaintiff and were carried out in a manner that was unreasonable, retaliatory, and lacking judicial neutrality, given Plaintiff's known vulnerabilities.

## CLAIMS FOR RELIEF

### COUNT I – VIOLATION OF DUE PROCESS (42 U.S.C. § 1983)

Defendant deprived Plaintiff of his constitutional right to due process by denying him the opportunity to present testimony and evidence regarding the distribution of marital assets, resulting in unjust and irreversible consequences.

## COUNT II – VIOLATION OF EQUAL PROTECTION

Defendant treated Plaintiff disparately without lawful justification and with apparent animus, based on his pro se status and mental disability.

## COUNT III – VIOLATION OF RIGHT OF ACCESS TO THE COURTS

Defendant unlawfully restricted Plaintiff's access to court offices and records, essential for the exercise of his legal rights, without hearing or legal authority.

## COUNT IV – VIOLATION OF THE AMERICANS WITH DISABILITIES ACT (Section 504)

Defendant failed to reasonably accommodate Plaintiff's documented mental health condition, acting in violation of federal disability law and causing exacerbation of symptoms and additional harm.

## PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

- A. Issue a **temporary restraining order and preliminary injunction** halting any sale, disbursement, or distribution of proceeds from the marital home until a full evidentiary hearing is held;
- B. Declare that Defendant's conduct violated Plaintiff's rights under the Constitution and federal law;
- C. Order Defendant to rescind any order barring Plaintiff's access to court services or provide a hearing with appropriate due process safeguards;
- D. Award **compensatory and punitive damages** in an amount to be determined at trial;
- E. Award Plaintiff his **costs and reasonable attorney's fees** under 42 U.S.C. § 1988 (if applicable);
- F. Grant any other relief the Court deems just and proper.

## JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.



Respectfully submitted,

Date: 7/22/25, 2025

Arnold Kuhl

[Your full address]

[Your phone number]

[Your email]

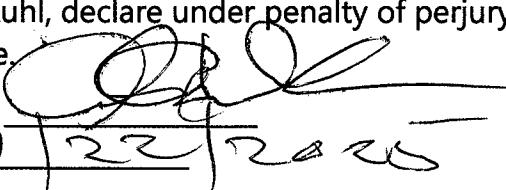
Pro Se Plaintiff

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## VERIFICATION

I, Arnold Kuhl, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Signature: 

Date: 7/22/2025